

**REMARKS**

Reconsideration of the pending claims is respectfully requested in view of the above amendments and following remarks made in light of newly identified documents referred to below.

Claim 1 is amended to require that the inkjet recording medium comprises as the top layer a porous, swellable ink receiving layer which is essentially capable of absorbing dye from an applied ink within the polymer instead of being held in pores located in between particles thereby improving stability. It is further amended to specify that the support is selected from the group consisting of resin coated paper, film base, acetate and polyethylene terephthalate.

Claim 18 is amended to specify that "metal" modifies both carbonates and bicarbonates. Claim 19 is cancelled. The status identifier of Claim 14 is corrected to read "withdrawn". The amendments to the claims are supported by the specification including the Examples.

Applicant appreciates the Examiner's withdrawal of the rejections raised in view of Aono (US 5,128,313) and DeBoer (US 6,299,302) as a result of the amendment filed September 12, 2005.

Entry of the present amendments is respectfully requested, since they eliminate issues by clearly distinguishing from the cited references and place the application in condition for allowance.

**Rejection under 35 USC 112**

Claim 18 was rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. According to the Office Action, it is not clear if "metal" modifies only carbonates, or both carbonates and bicarbonates.

Claim 18 has been amended to specify that "metal" modifies both carbonates and bicarbonates.

Accordingly, reconsideration and withdrawal of the rejection are in order.

**Rejection under 35 USC 102(b) over EP 1060901**

Claims 1 and 4 were rejected under 35 U.S.C. § 102(b) as being clearly anticipated by EP 1060901. According to the Office Action, '901 teaches forming a porous base layer for an inkjet recording element by applying a hydrophilic polymer such as gelatin or PVA plus blowing agent to a support (page 4, lines 4-37). In response to the Applicant's argument that the base layer is a sponge layer for absorbing ink and not an ink-receiving layer, the Examiner states that the base layer, by absorbing ink, is acting as an ink-receiving layer. For at least the following reasons, Applicant traverses the rejection.

EP 1060901 relates to an image recording element for ink jet ink and comprises a support, an absorbent base layer and a top layer that is ink receptive. It discloses on page 4, lines 22-23 that a porous structure may be introduced into the base layer by the addition of ceramic or hard polymeric particulates, by foaming or blowing during coating or by inducing phase separations in the layer through the introduction of non-solvent. It is also disclosed at page 4, line 12 that the base layer is primarily intended as a sponge layer for the absorption of ink, i.e. not an image-receiving layer, which is the purpose of the top layer.

Amended claim 1, from which claim 4 depends, concerns a method of making an inkjet medium-comprising a support and a porous, swellable ink receiving layer *on top of the inkjet medium*, wherein said support is selected from the group consisting of resin coated paper, film base, acetate and polyethylene terephthalate and wherein the ink receiving layer is essentially capable of absorbing dye from an applied ink within the polymer instead of being held in pores located in between particles thereby improving stability, said method comprising the steps of: coating a support with a solution comprising a hydrophilic polymer and a blowing agent; and either prior to or after the step of coating said support, causing said blowing agent to generate gas bubbles within the solution, causing foaming of said hydrophilic polymer to form the ink receiving layer.

'901 does not disclose the use of a hydrophilic polymer and a blowing agent to cause foaming of the hydrophilic polymer to form the ink receiving layer as the top layer or image receiving layer, as required by present claim 1. '901 only discloses the possible use of a blowing agent and the coating material to generate a

porous structure in the base layer, for use as a sponge layer or sump for absorption of ink solvent.

Accordingly, it is submitted that '901 does not disclose nor suggest the subject matter of claim 1 or claim 4 dependent therefrom. For at least the above reasons, reconsideration and withdrawal of the rejection are in order.

**Rejection under 35 USC § 103(a) over EP 1060901**

Claims 5-12 and 16-18 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over EP 1060901. According to the Office Action, '901 fails to teach the weight percent of blowing agent, the presence of surfactants, plural simultaneous coatings or foaming by heat. The Office Action states that it would have been obvious to one of ordinary skill in the art to have optimized the weight percent of the composition through no more than routine experimentation, that applying a plurality of coating solutions is a mere variation on typical coating practices, that additives that are well known in the art may be added (including surfactants) and that foaming by heating blowing agents is well known in the art. The Office Action states that whilst '901 fails to teach the blowing agents of claim 18, any conventional blowing agents would be operational of the '901 process. In response to the Applicant's argument that '901 teaches that the base layer does not have to be porous, the Office Action states that paragraph [0022] of '901 teaches that the base layer may be a porous structure and may be made so by foaming or blowing during coating and thereby it is the Examiner's position that a porous base layer is sufficiently taught. For at least the following reasons, Applicant traverses the rejection.

It is submitted that claims 5-12 and 16-18 are not obvious over EP 1060901 at least by virtue of their dependence on amended claim 1, which, it is submitted, is patentable over the cited documents.

As set out above, amended claim 1 concerns a method of making an inkjet medium-comprising a support and *a porous, swellable ink receiving layer on top of the inkjet medium*, wherein said support is selected from the group consisting of resin coated paper, film base, acetate and polyethylene terephthalate and *wherein the ink receiving layer is essentially capable of absorbing dye from an applied ink within the polymer instead of being held in pores located in between particles thereby*

*improving stability*, said method comprising the steps of: coating a support with a solution comprising a hydrophilic polymer and a blowing agent; and either prior to or after the step of coating said support, causing said blowing agent to generate gas bubbles within the solution, causing foaming of said hydrophilic polymer to form the ink receiving layer.

As discussed above, EP 1060901 states that porosity can be introduced into the base layer of the ink jet recording element described therein by foaming or blowing during coating, or by other methods, such as adding ceramic particles. The primary purpose of the base layer, however, is as a sponge layer for absorbing the ink fluid and not for receiving the dye image, which is the purpose of the top layer. The top layer, which is the ink-receptive layer, comprises swellable polymers and a crosslinking agent and does not have any porosity introduced. There is no indication or suggestion in EP 1060901 that would lead the skilled person in the art in possession of that document to prepare a foamed ink receptive layer as the top layer. Accordingly, it is submitted that claim 1, and claims 5-12 and 16-18 dependent therefrom, are patentable over EP 1060901.

For at least the above reasons, reconsideration and withdrawal of the rejection are in order.

US 6,291,127, cited in the Supplemental IDS filed herewith mentions foaming but do not anticipate or render obvious the amended claims for the following reasons. US 6,291,127 (the '127 patent) is primarily concerned with providing a support substrate for an imaging medium, such as thermal dye transfer media, electrophotographic media, photographic media and ink jet media among others, which support substrate is resistant to liquid penetration whilst maintaining a favored fibrous feel, thereby not causing cockling. In particular, the support substrate according to '127 comprises a highly refined, internally sized cellulose paper base that has its surfaces impregnated with a water dispersible ester based condensation polymer such that the impregnated paper exhibits a hydrophobicity as measured by 40/20 Acid Valley in excess of 500 seconds. At column 13, lines 14-17 thereof, it is mentioned that a porous structure may be introduced into ink receiving layers comprised of hydrophilic polymers by foaming or blowing during coating (among other methods), among a large number of other ink receiving layer

composition alternatives. There is no disclosure in '127 of using a porous hydrophilic ink receiving layer with any other support substrate and accordingly the currently amended claims are novel over '127. It would appear that the skilled person in the art would not be led by the disclosure of '127 to prepare an inkjet receiver by a method according to the amended claim 1, since there is no reason for the skilled person in the art to refer to '127, the disclosure of which relates to a particular support substrate which is resistant to liquid penetration as opposed to a support selected from the group consisting of resin coated paper, film base, acetate and polyethylene terephthalate, as required by claim 1. Furthermore, even if the skilled person were to refer to '127, they would not be led to the method of the present invention since there is not identified in '127 any particular advantage of utilizing a porous ink receiving layer with the support substrate as opposed to any of the many other described ink receiving layers for use in ink jet printing or other imaging methods.

In view of the foregoing remarks, reconsideration of the above identified patent application is respectfully requested. Prompts and favorable action by the Examiner is earnestly solicited. Should the Examiner require anything further, the Examiner is invited to contact Applicant's representative.

Respectfully submitted,



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